

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Yasuhiro OKI, et al.

Application No.: 10/573,797

Filed: May 22, 2007

Group No.: 1793

Examiner: H.G. Klemanski

Confirmation No.: 8010

For: INK COMPOSITION, AND INK JET RECORDING METHOD AND
RECORDED MATTER USING THE SAME

[] *Patent No.: Issue Date:
Reexamination Date:

*NOTE: Preferably also insert inventor's name and invention title.

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. SECTION 1.321(c))

Identification of Person(s) Making This Disclaimer

I, CLIFFORD J. MASS
(type or print names of all inventors or assigns or name of attorney signing disclaimer)

(a) represent that I am

[] an inventor (applicant) of this invention.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

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Date: November 30, 2009

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WARNING: *"If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, government agency or similar entity, and the disclaimer is signed by the assignee, the assignee must comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 56-61 at 56, § 1490, M.P.E.P., 7th Edition.*

- ☐ an assignee of this invention.
- ☐ a representative authorized to sign on behalf of the assignee identified below.
- ☐ A statement under 37 C.F.R. Section 3.73(b) is attached.

WARNING: *See the above "WARNING."*

- ☒ the attorney of record for this invention.

NOTE: *The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with Section 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56. See also Section 1490, M.P.E.P., 7th Edition.*

IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMANT (if any)

The assignee is

Name of assignee SEIKO EPSON CORPORATION

Address of assignee 3-5, OWA 3-CHOME, SUWA-SHI,
NAGANO-KEN, 392-8502, JAPAN

If signed by assignee, title of disclaimant authorized to sign on behalf of assignee

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant(s) owns is:

- ☒ the whole of this invention.
- ☐ a sectional interest in this invention, as follows:

NOTE: *Disclaimer(s) from the whole interest must be filed.*

(state the exact interest of the disclaimant)

The disclaimant(s) is/are:

- ☐ the applicant(s) _____ (name of applicants)
- ☒ the assignee(s) SEIKO EPSON CORPORATION (name of assignee)

RECORDAL OF ASSIGNMENT IN PTO
(if applicable)

☐ The assignment was recorded on _____

Reel _____

Frame _____

☐ Authorization for recordal of the assignment is separately filed:

☐ "ASSIGNMENT (DOCUMENT) COVER SHEET" or

☐ FORM PTO 1595 is also attached.

(Obviousness-Type Double Patenting Rejection Over A Prior Patent)

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent No. 7,211,132 as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, Patent No.: 7,211,132, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

DISCLAIMER FEE (37 C.F.R. Section 1.20(d))

☒ Other than a small entity--fee \$140.00

☐ Small entity--fee \$70.00

☐ Small entity statement attached

☐ Small entity claimed or statement already filed.

☐ in patent application _____ on _____
(date)

FEE PAYMENT

☐ Already paid

☐ Attached is a check in the sum of \$_____.
Charge Account 12-0425 for any fee deficiency.

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A duplicate of this disclaimer is attached if filed in paper.

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Signature of disclaimant(s)

or

Date: November 30, 2009

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PATENT TRADEMARK OFFICE

SIGNATURE OF PRACTITIONER
CLIFFORD J. MASS

(type or print name of practitioner)

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